

MAR 25 2022

**STATE OF NEBRASKA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH**

DHHS Hearing Office

**STATE OF NEBRASKA ex rel. DOUGLAS
J. PETERSON, Attorney General,**

Plaintiff,

vs.

MAMAN LAWAN ALI, M.D.,

Defendant.

**ORDER FOR TEMPORARY
SUSPENSION OF LICENSE TO
PRACTICE AS A PHYSICIAN**

THIS MATTER came on for consideration before the Nebraska Department of Health and Human Services Division of Public Health Chief Medical Officer on Plaintiff's Petition for: Disciplinary Action and Temporary License Suspension ("Petition") and upon the affidavits in support of the request for temporary suspension. The Chief Medical Officer finds that there is reasonable cause to believe that grounds exist under Neb. Rev. Stat. §§ 38-183 (Reissue 2016) and 38-178 (2020 Cum. Supp.) for the suspension of the Defendant's license to practice as a physician on the basis that the Defendant's continued practice at this time would constitute an imminent danger to public health and safety.

IT IS THEREFORE ORDERED:

1. The license of the Defendant, Maman Lawan Ali, M.D., to practice as a physician is suspended effective upon service of this Order upon the Defendant in accordance with Neb. Rev. Stat. § 38-183 (Reissue 2016).

2. Pursuant to Neb. Rev. Stat. § 38-183 (Reissue 2016), the hearing on the merits of the allegations of the Petition shall be held. A separate Notice of Hearing shall be issued by the Nebraska Department of Health and Human Services Division of Public Health to be served upon the Defendant along with the Order and the Petition. The


Defendant shall have the opportunity to appear and defend against the Petition at such time and place. The Defendant is further notified that he may present such witnesses and such evidence at said time and place as he may care to present in answer to the allegations of the Petition, and he may be represented by legal counsel at said hearing.

3. The investigative report and supporting documents attached to the affidavit of Mark Meyerson are hereby sealed and shall remain a non-public record pursuant to Neb. Rev. Stat. § 38-1,106 (Reissue 2016).

4. The Douglas County, Nebraska, Sheriff is appointed, pursuant to 184 NAC 006.01E, to personally serve the Defendant with copies of this Order and the Petition.

DATED this 25 day of March, 2022.

BY:

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Chief Medical Officer/Director
Division of Public Health
Nebraska Department of Health and Human Services

DHHS Hearing Office

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| STATE OF NEBRASKA ex rel. DOUGLAS |) | |
| J. PETERSON, Attorney General, |) | |
| |) | |
| Plaintiff, |) | |
| |) | PETITION FOR: DISCIPLINARY |
| vs. |) | ACTION AND TEMPORARY |
| |) | LICENSE SUSPENSION |
| |) | |
| MAMAN LAWAN ALI, M.D., |) | |
| |) | |
| Defendant. |) | |

The Plaintiff alleges as follows:

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

1. Jurisdiction is based on Neb. Rev. Stat. §§ 38-176 (Reissue 2016) and 38-183 and 38-186 (Reissue 2016).
2. At all times relevant herein, the Defendant, Maman Lawan Ali, M.D., has been the holder of a license (#25477) issued by the Department of Health and Human Services Division of Public Health ("Department") to practice as a physician.
3. The Department is the agency of the State of Nebraska authorized to enforce the provisions of the Uniform Credentialing Act regulating the practice of medicine and surgery.
4. The Nebraska Board of Medicine and Surgery considered the investigation of this matter and made recommendations to the Attorney General to file disciplinary proceedings against the Defendant's license to practice as a physician in Nebraska.
5. At all times relevant herein, the Defendant provided physician services at M.H.C., Omaha, Nebraska. The Defendant is the owner of M.H.C.

6. Defendant and M.H.C. provide primary care services to patients, including infusions of Ketamine, a Schedule III Controlled Substance, for the treatment of psychiatric disorders.

7. On April 2, 2020, the Defendant was found by law enforcement 'passed out' behind the wheel of his vehicle while the engine was running. A sworn law enforcement report states the Defendant failed three field sobriety tests, emanated a strong odor of alcohol, and had bloodshot eyes. He refused to complete a preliminary breath test.

8. Additional law enforcement records related to the April 2, 2020, incident indicate the Defendant's vehicle was witnessed by law enforcement at approximately 02:30 a.m. Law enforcement responded to the vehicle in the same parking lot at 3:50 a.m., at which time officers noted a Budweiser bottle in the middle console of the car and the Defendant passed out behind the wheel.

9. On April 23, 2020, a criminal complaint was filed against the Defendant in the County Court of Douglas County, Nebraska, Case No. CR 20-8677, which charged the Defendant with one misdemeanor count of Driving Under the Influence, 1st Offense, one misdemeanor count of Refusal to Submit to a Blood, Breath or Urine Test, and one misdemeanor count of Refusal to Submit to Preliminary Test, each for the incident which occurred on or about April 2, 2020.

10. On April 27, 2020, the Defendant was convicted of one count of misdemeanor Driving Under the Influence, 1st Offense, in the County Court of Douglas County, Nebraska, Case No. CR 20-8677. The remaining two charges were dismissed. The Defendant was sentenced to probation and ordered to complete a chemical

dependency evaluation. The Defendant failed to report this conviction to the Department as required by law.

11. On December 19, 2021, video surveillance at M.H.C., shows Defendant accessing the Ketamine storage outside of clinic hours.

12. On or about December 20, 2021, staff at M.H.C. held a meeting to discuss discrepancies of the Ketamine inventory and potential tampering of the inventory. These concerns were discussed with the Defendant.

13. On February 12, 2022, the Defendant was working at S.A.R.H., Carroll, Iowa. The Defendant was found in the on-call room with medications including Midazolam, Magnesium, Ketamine, Dexamethasone, Phenergan, and Toradol. Also found with the Defendant were a half-filled syringe and a butterfly needle. The Defendant was contacted by the Chief Medical Officer for S.A.R.H. and admitted to self-administering these medications in his neck via IV for "several months".

14. On February 15, 2022, the Omaha Fire Department responded to a 911 Call to a report of an unresponsive male in his car. Upon arrival, the person in distress was identified as the Defendant. The e-Narsis Report (Electronic Nebraska Ambulance Rescue Service Information System) provides the following:

- a. The Defendant was unresponsive, with altered mental status;
- b. The Defendant was described as "foaming at the mouth with a needle hanging out of his arm";
- c. Paramedics observed blood on the Defendant's left forearm from a needle puncture, blood on his shirt, and the keys to the vehicle in the ignition;
- d. A 10 ml syringe, lock tubing, and a butterfly needle were on the edge of the seat on Defendant's left side;

- e. Law enforcement responded to assist and located a hospital grade vial containing an unknown substance marked Magnesium Sulfate with the tamper proof cap removed; a multiple hospital grade vials of Diphenhydramine, an unmarked bottle containing seven – ten Vyvanse pills, a Schedule II Controlled Substance, and a “large amount of cash”;
- f. Emergency responders observed numerous “track marks and scar tissue over both arms”;
- g. The Defendant was not cooperative with emergency responders as he became more responsive; and
- h. The Defendant was transferred to the hospital for medical evaluation.

15. On February 15, 2022, the Omaha Police Department responded to 1401 N. 120th Street, Omaha, Nebraska, to a report of an overdose. Law enforcement records demonstrate the following:

- a. Witnesses at the scene found the Defendant’s vehicle running and the Defendant passed out behind the wheel, with a needle protruding from his arm;
- b. Witness A reported he heard the engine of the Defendant’s car rev as though the gas pedal were pressed to the floor. He approached the vehicle and observed the Defendant was shaking and his “eyes rolled back and his tongue hanging from the mouth.”;
- c. Law enforcement found Epinephrine, Adenosine, Amiodarone HCl, Vyvanse, Magnesium Sulfate, and Diphenhydramine in the Defendant’s vehicle;
- d. Law enforcement found approximately \$4,000 in cash in the Defendant’s vehicle;
- e. The Defendant advised law enforcement the pills in the unmarked bottle were probiotics;
- f. Law enforcement confirmed medication found in an unmarked bottle were 50 mg Vyvanse, not probiotics;
- g. The Defendant was transported to the hospital for medical evaluation;
- h. At the hospital, the Defendant submitted to sobriety testing conducted by a Drug Recognition Expert after transportation for medical services. The Drug

Recognition Expert opined the Defendant was impaired and was under the influence of Central Nervous System Depressants;

- i. The Defendant's preliminary breath test results indicated no evidence of alcohol use;
- j. The Defendant signed a consent to the collection and testing of his blood or urine by law enforcement. A urine sample was collected by law enforcement at 1853 hours;
- k. The Defendant was issued a citation for Driving Under the Influence of Drugs, 1st offense and his vehicle was impounded. This criminal matter is still pending.

16. The Defendant's urine sample, collected February 15, 2022, was submitted to the Nebraska State Patrol Crime Laboratory for analysis. The results were provided to a Department Investigator on March 23, 2022. The Defendant's sample yielded a positive result for Ketamine, Norketamine, Promethazine and alpha-hydroxy-Midazolam.

17. On February 23, 2022, M.H.C. Daily Ketamine Tracking Report demonstrates the facility was unable to account for approximately 400 mgs of Ketamine missing from the facility supply.

18. On February 24, 2022, M.H.C. Daily Ketamine Tracking Report demonstrates the facility was unable to account for approximately 250 mgs of Ketamine missing from the facility supply.

19. On or about March 15, 2022, Employee A, employed at M.H.C., was interviewed by a Department Investigator. Employee A advised:

- a. In approximately August 2021, Employee A and other employees noticed discrepancies in the ketamine inventory; such inventory discrepancies continued throughout 2021 and early 2022;
- b. The Defendant began leaving for lunch and returning in a visibly different mood;

- c. At a staff meeting in October, the Defendant was confronted about missing Ketamine and a change in his demeanor and admitted to using Ketamine via self-injection on two occasions;
- d. On one occasion prior to the Christmas holiday, the Defendant returned from lunch showing obvious signs of impairment. Employee A described the Defendant as loud, boisterous, and confused. The Defendant had trouble staying on task with patients and bumped into the wall several times while walking;
- e. The Defendant was confronted at a second staff meeting; and
- f. After the second meeting, the Defendant was observed on surveillance recording removing Ketamine with a syringe and restoring the containers to their original condition.

20. On or about March 15, 2022, Employee B, employed at M.H.C., was interviewed by a Department Investigator. Employee B advised:

- a. Employee B has witnessed the Defendant draw Ketamine out of a vial on multiple occasions in the late afternoon when there are no further patients scheduled;
- b. Employee B witnessed the Defendant practice impaired on two occasions;
 - i. On the first occasion, the Defendant was observed to lay on the floor with a child brought in for care; this behavior is described as out of character for the Defendant. The Defendant was confused and attempted to treat patients in rooms that were not there to seek care from the Defendant; the Defendant had difficulty speaking and pronouncing patient names;
 - ii. On the second occasion, on or about January 25, 2022, the Defendant returned from lunch approximately one hour late and displayed similar symptoms to the first incident. The Defendant began a Ketamine infusion for a patient which finished approximately 45 minutes earlier than anticipated. The patient experienced significant disorientation as a result; M.H.C. employees are unsure if the Defendant increased the dosage to catch up on patient load or incorrectly entered the dosage, because of his impairment;

21. On March 18, 2022, the Defendant signed a Surrender for Cause of DEA (the United States Drug Enforcement Administration) Certificate of Registration for his

registrations to prescribe controlled substances at M.H.C. and his registration in Ankeny, Iowa.

FIRST CAUSE OF ACTION

22. Paragraphs 1 through 21 are incorporated herein by this reference.

23. Neb. Rev. Stat. § 38-178(2) (Cum. Supp. 2020) provides that a professional license may be disciplined for immoral or dishonorable conduct evidencing unfitness to practice the profession in this state.

24. The Defendant's conduct as set forth above constitutes immoral or dishonorable conduct and is grounds for discipline.

SECOND CAUSE OF ACTION

25. Paragraphs 1 through 21 are incorporated herein by this reference.

26. Neb. Rev. Stat. § 38-178(3) (Cum. Supp. 2020) provides that a professional license may be disciplined for abuse of, or dependence on, or active addiction to alcohol, any controlled substance, or any mind-altering substance.

27. The Defendant's abuse of Ketamine, as set forth above is grounds for discipline.

THIRD CAUSE OF ACTION

28. Paragraphs 1 through 21 are incorporated herein by reference.

29. Neb. Rev. Stat. § 38-178(18) (Cum. Supp. 2020) provides a professional license may be disciplined for violations of the Uniform Controlled Substances Act.

30. Neb. Rev. Stat. § 28-418(1)(c) (Reissue 2016) provides that it is unlawful for any person to knowingly or intentionally acquire or obtain possession of a controlled substance by theft, misrepresentation, fraud, forgery, deception, or subterfuge.

31. The Defendant's conduct above is a violation of the Uniform Controlled Substances Act and is grounds for discipline.

FOURTH CAUSE OF ACTION

32. Paragraphs 1 through 21 are hereby incorporated herein by reference.

33. Neb. Rev. Stat. § 38-178(7) (2020 Cum. Supp.) provides that a professional license may be disciplined for the practice of the profession while the ability to practice is impaired by alcohol, controlled substances, drugs, mind-altering substances, physical disability, mental disability, or emotional disability.

34. The Defendant's practice of the profession while impaired, as set forth herein above, is grounds for discipline.

FIFTH CAUSE OF ACTION

35. Paragraphs 1 through 21 are incorporated herein by reference.

36. Neb. Rev. Stat. § 38-178(5)(a) (Cum. Supp. 2020) provides that a professional license may be disciplined for conviction of a misdemeanor or felony under Nebraska law or federal law which has a rational connection with the fitness or capacity of the applicant or credential holder to practice the profession.

37. The Defendant's 2020 conviction is grounds for discipline.

SIXTH CAUSE OF ACTION

38. Paragraphs 1 through 21 are incorporated herein by reference.

39. Neb. Rev. Stat. § 38-178(19) (Cum. Supp. 2020) provides that a professional license may be disciplined for failure to file a report as required section § 38-1,125 (Reissue 2016).

40. Neb. Rev. Stat. § 38-1,125(1)(c)(vii) (Cum. Supp. 2020) requires a licensed health professional to report the conviction of any misdemeanor or felony in this or any jurisdiction to the Department within thirty (30) days.

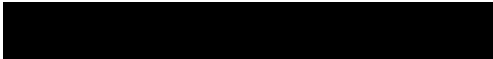
41. The Defendant's failure to report his 2020 conviction is grounds for discipline.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that the Chief Medical Officer temporarily suspend the Defendant's license to practice as a physician pursuant to Neb. Rev. Stat. § 38-183 (Reissue 2016), set this matter for hearing, enter an order for appropriate disciplinary action pursuant to Neb. Rev. Stat. § 38-196 (Reissue 2016), and tax the costs of this action to the Defendant.

STATE OF NEBRASKA, ex rel.
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Attorney General,
Plaintiff,

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